



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

GURCHAN SINGH,)

Defendant.)

Case No. 8:24-MJ- 294 (GLF)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of June 24, 2024, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(2)

Offense Description

The defendant, an alien and citizen of India, unlawfully eluded examination, and inspection by immigration officials by entering the United States at a place not authorized for the entrance of immigrants.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

U.S. Border Patrol Agent Dustin M. Matthews

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: June 25, 2024

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v Gurchan SINGH

This criminal complaint is based on the following facts:

On June 24, 2024, Border Patrol Agents (BPA) of the Burke Border Patrol Station received information regarding a vehicle that was believed to be associated with human smuggling. Agents were provided a plate, make and model of the vehicle and agents responded from the Burke Border Patrol Station in attempt to acquire the vehicle as it was travelling to the border area.

While patrolling on State Route 190 (Military Turnpike) in the town of Plattsburgh, New York, BPA-Intelligence encountered a vehicle matching the information that was provided. The vehicle was identified as a silver Toyota Rav 4 bearing New York registration LAG 8869 and was travelling west towards the Burke Border Patrol Station's Area of Responsibility (AOR). BPA-Intelligence notified Burke Agents and requested their assistance with surveillance. Burke Agents followed the vehicle as it turned west onto State Route 190 (Star Road). Burke Agents observed that once the driver of the Rav 4 turned onto Star Road he was no longer keeping with the flow of traffic. Burke Agents also noted that the driver appeared to be the only occupant in the vehicle. Burke Agents observed multiple vehicles pass the Rav 4 as it was maintaining a speed of approximately 40MPH in a 55MPH zone. Agents have observed this slow driving tactic used by people attempting to smuggle because this allows the driver to easily identify if he/she is being followed. Burke Agents eventually had to overtake the Rav 4 and turn surveillance back to BPA-Intelligence.

BPA-Intelligence observed the Rav 4 turn north onto the Ryan Road in Chateaugay, New York. Burke Agents and BPA-intelligence followed the vehicle until the intersection of State Route 11 and Ryan Road where they observed the Rav 4 pull off into the parking lot of Dicks County Store. The Rav 4 did not park and immediately pulled back onto the Ryan Road once there were no longer any vehicles behind him. As the Rav 4 proceeded north on Lost Nations Road toward the United States/Canada International Boundary agents followed behind at a distance. This route of travel to proceed north on Lost Nations Road is consistent with human smuggling activity in the Burke Border Patrol Stations AOR. Smugglers will avoid the main routes of travel (i.e., State Route 11) to evade detection from law enforcement.

Burke Agents observed the vehicle turn off from Lost Nations Road, west onto McNierney Road. McNierney Road is approximately one mile south of United States/Canada International Boundary and has been a frequented area for human smuggling activity within the Burke Station's AOR due its proximity to the border and its remoteness. Agents have apprehended numerous migrant smuggling cases in this area.

Burke Agents saw the vehicle break abruptly and pull off to the side of the road near a heavily wooded area. Burke Agents were able to see the Rav 4 rear doors and back hatch open while the vehicle was stationary. Approximately three minutes later, the Rav 4 continued west on McNierney road until turning east on Jones Road. At this time agents observed that the Rav 4 was occupied by more people than just the driver.

At approximately 4:28PM Burke Agents initiated a vehicle stop with his marked Border Patrol Service vehicle, based on the totality of the circumstances. Agents approached the Rav 4 and identified themselves as Border Patrol Agents. The driver identified as Magnat Ram was asked his citizenship. Agents were able to gather that RAM was a citizen of India with a pending refugee immigration claim. Burke Agents were able to gather that the two subjects in the rear of the vehicle, identified with initials B. S. and Gurchan SINGH were citizens of India without any documentation allowing them to enter, passthrough or remain in the United States legally. Agents also observed that both subjects had pants that were soaking wet indicative of someone who entered the country illegally by walking through the woods.

United States of America v Gurchan SINGH

All three individuals were detained and transported to the Burke Border Patrol station for record checks, interviews, and processing.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all three subjects. Record checks confirmed information previously gathered roadside.

Nationals and citizens of India are required to apply for a visa if they seek to enter the United States. Foreign citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an immigration official at a Port of Entry as he or she seeks admission into the United States. SINGH and B.S. did not possess valid visas, and record checks show that they had not applied for visas. If SINGH and B.S. had presented themselves to a Port of Entry and asked permission to enter the United States, they would have been denied admission as they do not possess a valid United States visa.

At the station, SINGH was read his *Miranda* rights and agreed to answer questions without an attorney present. SINGH stated that his life is in danger in India and the people that sent him across the border made the arrangements for the driver in the United States. SINGH said that a person would communicate with him over the phone and told him to "keep walking."